

CIVIL COVER SHEET

The JS 44 civil coversheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM)

I. (a) PLAINTIFFS

SUZANNE COFFEY

(b) County of Residence of First Listed Plaintiff Bucks

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Timothy R. Hough, Esq. 215-564-5200
1907 Two Penn Cntr.
Phila., PA 19102

DEFENDANTS

GRAN MELIA GOLF RESORT PUERTO RICO

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

unknown

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY/RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. § 1331

Brief description of cause:

Plaintiff injured after falling from improperly placed stool

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

 DEMAND \$ not in excess of \$150,000 ☐ CHECK YES only if demanded in complaint ☒ NO

VIII. RELATED CASE(S) IF ANY

none

(See instructions):

JUDGE

DOCKET NUMBER

DATE April 6, 2012

SIGNATURE OF ATTORNEY OF RECORD

TIMOTHY R. HOUGH, ESQ

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 9 Easter Lane, Levittown, PA 19054

Address of Defendant: 200 Coco Beach Boulevard, Highway 955-I, Rio Grande, PR

Place of Accident, Incident or Transaction: Puerto Rico

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes ☐ No ☒

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts

2. ☐ FELA

3. ☐ Jones Act-Personal Injury

4. ☐ Antitrust

5. ☐ Patent

6. ☐ Labor-Management Relations

7. ☐ Civil Rights

8. ☐ Habeas Corpus

9. ☐ Securities Act(s) Cases

10. ☐ Social Security Review Cases

11. ☐ All other Federal Question Cases

(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts

2. ☐ Airplane Personal Injury

3. ☐ Assault, Defamation

4. ☐ Marine Personal Injury

5. ☐ Motor Vehicle Personal Injury

6. ☒ Other Personal Injury (Please specify) **Premises Liability**

7. ☐ Products Liability

8. ☐ Products Liability — Asbestos

9. ☐ All other Diversity Cases

(Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Timothy R. Hough, Esq., counsel of record do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: _____

Attorney-at-Law

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: April 6, 2012

Attorney-at-Law

#40898

Attorney I.D.#

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

SUZANNE COFFEY

:

:

:

:

:

CIVIL ACTION

v.

GRAN MELIA GOLF RESORT
PUERTO RICO

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. (x)
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

April 6, 2012	Timothy R. Hough, Esq.	Suzanne Coffey
<u>Date</u>	<u>Attorney-at-law</u>	<u>Attorney for plaintiff</u>
215-564-5200	215-563-8729	jafhough@aol.com
<u>Telephone</u>	<u>FAX Number</u>	<u>E-Mail Address</u>

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SUZANNE COFFEY
9 Easter Lane
Levittown, PA 19054

Plaintiff

v.

GRAN MELIA GOLF RESORT PUERTO RICO
200 Coco Beach Boulevard
Highway 955-I
Rio Grande, PR 00745

Defendant

CIVIL ACTION NO.

COMPLAINT

I. INTRODUCTION

1. Plaintiff, Suzanne Coffey, claims of defendant, Gran Melia Golf Resort Puerto Rico, a sum in excess of \$75,000.00 in damages upon causes of action whereof the following are a statement:

2. This is an action for an award of damages and other relief on behalf of plaintiff, a business invitee of defendant, who sustained injuries while a guest at the defendant's hotel and golf resort located in Puerto Rico.

II. JURISDICTION

3. The jurisdiction of this Court is invoked pursuant to Title 28 U.S.C. § 1331, which provides for original jurisdiction of plaintiff's claim arising under diversity jurisdiction.

III. PARTIES

4. Plaintiff is **SUZANNE COFFEY**, an adult individual residing at 9 Easter Lane in Levittown, Pennsylvania.

5. Defendant is **GRAN MELIA GOLF RESORT PUERTO RICO**, a foreign business organization with its principal place of business located at 200 Coco Beach Boulevard, Highway 955-I, in Rio Grande, Puerto Rico.

6. On April 16, 2010, defendant, Gran Melia Golf Resort Puerto Rico. owned and controlled a hotel and golf resort located at 200 Coco Beach Boulevard, Highway 955-I, in Rio Grande, Puerto Rico (hereafter referred to as "defendant's hotel").

IV. STATEMENT OF FACTS

7. On Friday, April 16, 2010 at approximately 10:00 p.m., plaintiff, Suzanne Coffey, was a business invitee at defendant's hotel located at 200 Coco Beach Boulevard, Highway 955-I, in Rio Grande, Puerto Rico.

8. Plaintiff, who was a guest at the defendant's hotel on the above stated date and time, was within the defendant's casino located on the premises.

9. As the plaintiff was attempting to sit on a stool located near slot machines within the casino, she was caused to fall backward and land on her buttocks due to the uneven surface upon which the stool had been placed which, in turn, caused the stool to tip over upon the plaintiff attempting to sit on it.

10. As a result of the above incident, the plaintiff suffered personal injuries.

11. The fall suffered by the plaintiff and her resulting injuries were the direct and proximate result of the negligence of the defendant, Gran Melia Golf Resort Puert Rico, which negligence included the following:

- a) placing the subject stool on an uneven surface area on the floor of the defendant's casino such that it would be unstable;

b) failing to adequately and/or properly inspect the surface area of the floor of defendant's casino prior to placing the stool upon the floor;

c) failing to train its employees to inspect the stool/seating utilized in the casino of its hotel to make certain it had been safely placed and did not present a hazzard to hotel/casino patrons due to instability;

d) improperly selecting the type of stool/seating product utilized in the casino taking into consideration the floor surface upon which it would be placed;

e) selecting a stool/seating product which failed to provide proper and adequate physical support for patrons of its hotel/casino;

f) failing to extend ordinary care to the plaintiff, a business invitee;
and

g) maintaining a trap upon the Premises

12. As the direct and proximate result of the negligence of the defendant as aforesaid, the plaintiff, Suzanne Coffey, suffered physical injuries including but not limited to fractured sacrum/tailbone, exacerbation of lumbar disc pathology as well as other injuries further delineated in plaintiff's medical records.

13. As the further result of the negligence of the defendant as aforesaid, the plaintiff has incurred medical expenses for the care and treatment of her injuries.

14. As the additional result of defendant's negligence, plaintiff has endured a loss of her ability to enjoy life's pleasures.

15. As the additional result of the negligence of the defendant as aforesaid, plaintiff has suffered humiliation and embarrassment and will continue to so suffer into the future.

16. As the additional result of defendant's negligence as aforesaid, plaintiff has suffered a positive loss of the sense of well being to her great detriment.

17. As the further result of defendant's negligence, the plaintiff sustained wage losses.

WHEREFORE, the plaintiff, Suzanne Coffey, requests that the Court:

- a) award compensatory damages to plaintiff against the defendant;
- b) award reasonable costs and attorney's fees to the plaintiff; *and*
- c) award such other relief as the Court may deem appropriate.

JAFFE & HOUGH



By: _____

TIMOTHY R. HOUGH, ESQ.
Attorney for plaintiff